

REMARKS

The pending Office Action addresses claims 1-27, all of which are subject to a restriction and/or election requirement. By this response Applicant cancels claims 1-27 and adds new claims 28-44. Reconsideration and allowance is requested based on the remarks submitted herewith.

Amendments to the Claims

Applicant cancels claims 1-27, and adds new claims 28-44. Support for new claims 28-44 can be found throughout the specification, at least at paragraphs [0009] – [0027] of the published application, as well as in the previously pending claims. No new matter is added.

Claims 28-44 are now pending.

Election/Restriction Requirement

In the Office Action mailed on November 27, 2006, the Examiner requires the election of one of the following groups:

Group I: Claims 1-15, drawn to compositions; and

Group II: Claims 16-27, drawn to methods of killing.

The Examiner also requests that Applicant elect one of the following species of chelating agents, metal salts, carriers, and additives:

Chelating agents: one of claim 3;

Metal salts: one of claim 6;

Carrier: one of claims 7 or 8; and

Additives: one of claims 15 or 27.

Applicant elects the Group I claims, which are drawn to compositions, and presents new claims 28-44, all of which are drawn to compositions.

Additionally, new claims 31, 30, 35, 36, and 42 correspond to previously pending claims 3, 6, 7 or 8, and 15 or 27, respectively, all of which appear to require the provisional election of a species. Therefore, and pursuant to MPEP § 803.02, Applicant provisionally elects the following species of chelating agents, phosphonic acid salts, carriers, and additives from new claims 31, 30, 35, 36, and/or 42:

Chelating agent (claim 31)	hydroxyethyl-diphosphonic acid (HEDP)
Phosphonic acid salt (claim 30)	sodium salt
Carrier (claim 35 or 36)	wheat flour (from claim 36)
Additive (claim 42)	phagostimulants

In the Restriction Requirement, the Examiner also submits that claims 1-27 are generic. Therefore, because new claims 28-44 are similar to previously pending claims 1-27, Applicant submits that new claims 28-44 are also generic.

Reconsideration of the any species restriction still imposed by the Examiner is requested as Applicant's claims are believed to be both generic and patentable.

37 C.F.R. § 1.141 states:

[M]ore than one species of an invention...may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all claims to species in excess of one are written in dependent form or otherwise includes all the limitations of the generic claim.

As noted above, claim 28 is generic. All of the other pending claims, whether generic or not, are dependent from claim 28. Thus, because all of the other pending claims are dependent from an allowable generic claim Applicant may claim more than one species in the present application, and the election of species requirement should be withdrawn.

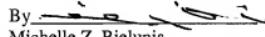
Conclusion

In sum, claims 28-44 are now presented and are drawn to the elected group. Applicant also provisionally elects a species of chelating agents, phosphonic acid salts, carriers, and additives. However, since this election is provisional, Applicant is not required to amend and/or withdraw any claims. Accordingly, no claims are withdrawn from consideration.

The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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